



Home Office

Police Integrity and Powers Unit
Fry Building, Home Office
2 Marsham Street
London SW1P 4DF

Tel: 020 7035 4848
www.homeoffice.gov.uk

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CONSULTATION ON THE REVISION OF PACE CODES OF PRACTICE C, D AND H

Attached are draft revised versions of Codes of Practice C, D and H issued under the Police and Criminal Evidence Act 1984 (PACE). Code C concerns the detention, treatment and questioning of persons detained under PACE, Code H concerns persons detained under the terrorism provisions and Code D concerns identification by witnesses and the taking of fingerprints, DNA, photographs and other biometric information.

2. The Minister of State for Policing, Fire, Criminal Justice and Victims has agreed that this will be an 8 week consultation and full details, including copies of the draft revised Codes, will also be published on the Home Office website at:
<https://www.gov.uk/government/organisations/home-office/series/police-and-criminal-evidence-act-1984-pace-current-versions>.
3. Each draft has a covering note and table which briefly outlines the changes and their purpose, with links to the paragraphs concerned.

Codes C and H (detention)

4. The main changes to Code C, which are mirrored in Code H, concern *live-link interpretation*. The purpose is to enable interpretation services to be provided by interpreters based at remote locations using live-link communication technology. This reflects Article 2(6) of [EU Directive 2010/64](#) on the right to interpretation and translation in criminal proceedings which allows live-link interpretation unless the interpreter's physical presence is necessary to safeguard the fairness of the proceedings.
5. Other changes which are mirrored as applicable in Code H, update and generally ensure consistency between Codes C and H. They include provisions which:
 - reflect the amendment to section 37(15) of PACE which means that the term juvenile includes 17-year-olds. The Code points out that other statutory provisions which treat 17-year-olds as adults will remain until amended by Parliament.
 - enable electronic recording and reporting of information.
 - highlight the need to check all sources of relevant information sources to establish a detainee's identity.
 - provide clarification with regard to the persons who, by virtue of their roles, should not act as the appropriate adult; and
 - point out the statutory requirements to keep detained children and adults separate and for female detainees to be under the care of a women added.

Code D (identification)

6. Code D was last revised in 2011 and the purpose of the changes is to bring it fully up to date with regard to:
- (a) changes to PACE Codes C, G and H introduced during and since 2012 which:
 - implement the EU Directive on interpretation and translation;
 - update provisions relating to the Equality Act 2010; and
 - clarify and extend the safeguards for 17 year olds.
 - (b) amendments to PACE concerning the retention of fingerprints & DNA introduced by the Protection of Freedoms Act 2012;
 - (c) witness identification provisions to take account of case law, changes and developments in police practice and operational concerns raised by the police; and
 - (d) separate Border Force operational guidance on the power to take fingerprints under immigration legislation which supersedes the Code D provisions and makes them obsolete.

Next steps

7. These drafts are circulated for statutory consultation in accordance with section 67(4) of PACE. All responses should be sent to pacereview@homeoffice.gsi.gov.uk to arrive no later than Tuesday 17 May 2016.

**Police integrity and Powers Unit
Crime and Policing Group, Home Office**